

III. REMARKS

It is unclear from the Action whether the Examiner has objected to the Abstract. Nevertheless, the Applicant has closely perused the Abstract and respectfully submits that it complies with requirements.

The Examiner has rejected claims 1-45 under 35 U.S.C. 103 as being obvious over Hirai in view of Ortscheid. The Applicant disagrees and respectfully notes that Ortscheid is not valid prior art under 35 U.S.C. 103(c). The instant application claims benefit of 60/259,069 filed 12/28/00, before the 3/27/01 issue date of Ortscheid. Further both the instant application and Ortscheid were subject to common ownership as of the priority date of the instant application. Accordingly, under 35 U.S.C. 103(c) Ortscheid is not valid prior art against the instant application. As Ortscheid is used as a basis for the rejection of all pending claims in this application, it is submitted that all the claims are patentable over the cited valid prior art, and should be allowed.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Enclosed is a check in the amount of \$1,020.00 for payment of a three month extension of time fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Janik Marcovici
Reg. No. 42,841

12/22/04

Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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